

1 IN THE UNITED STATES DISTRICT COURT  
2 MIDDLE DISTRICT OF ALABAMA  
3 SOUTHERN DIVISION  
4

5 CIVIL ACTION NO. CV-1:05-CV-717-A  
6

7 SHIRLEY Z. LEE,  
8 Plaintiff,  
9

10 vs.  
11 COMPASS BANCSHARES, INC.,  
12 Defendant.  
13

14  
15 DEPOSITION  
16 OF  
17 SHIRLEY Z. LEE  
18 January 13, 2006  
19

20  
21 REPORTED BY: Heather Spier  
22 Court Reporter and  
23 Notary Public

ORIGINAL



1 that you completed on Defendant's Exhibit  
2 3, is it true and correct at least at the  
3 time in which you completed it?

4 A. Yes, yes, it is.

5 Q. Now, is that your signature on  
6 the last page of Defendant's Exhibit 3 at  
7 the bottom?

8 A. Yes.

9 Q. I have your hire date as being  
10 April 30, 2001. Does that sound correct?

11 A. 30th. Yes, I think that's  
12 right. I thought it was early April, but  
13 it's late April.

14 Q. Well, I don't know that it  
15 matters which day. But you recall it  
16 being April 2001; is that correct?

17 A. Yes, that's right.

18 Q. Who hired you?

19 A. Regina McNeil and Jerri  
20 Carothers. I don't know which one.

21 Q. Okay. You don't know who made  
22 the final decision?

23 A. I think Regina McNeil.



1 Q. And why do you say that?

2 A. Because she is branch manager,  
3 and Jerri is only customer service  
4 manager.

5 Q. Who interviewed you for the  
6 position?

7 A. Regina and Jerri.

8 Q. And you were hired into a  
9 teller position; is that correct?

10 A. Yes, that's right.

11 Q. And who was your supervisor  
12 when you first were hired in the teller  
13 position? Was it Jerri?

14 A. Jerri Carothers.

15 Q. And Carothers is I think  
16 C-A-R-O-T-H-E-R-S?

17 A. Yes, that's right.

18 Q. Do you know who else applied  
19 for your job besides you?

20 A. No, I did not know that.

21 Q. So you don't know who you were  
22 selected over?

23 A. I don't think anybody else,



1 assistant from SouthTrust Bank, and also I  
2 have a lot of customer service skills also  
3 from Colonial Mortgage Company.

4 Q. I don't mean to interrupt you,  
5 but I think you misunderstood my question,  
6 perhaps because I didn't ask you  
7 correctly --

8 A. Education?

9 Q. No. Actually, I'm asking you  
10 what training did you receive from Compass  
11 to perform the teller duties? You know,  
12 after you were hired as a teller and  
13 before you actually start working the  
14 duties, were you trained on how to be a  
15 teller?

16 A. I have about three days of  
17 training, actually, just basically, you  
18 know, how to get on their system. Their  
19 computer, you know, system a little bit  
20 different from what I have before.

21 Q. And who performed that  
22 training?

23 A. Jean. Jean.



1 Q. Well, that's okay if you don't  
2 know her name.

3 A. Jean. Regina can help me.

4 Q. J-E-A-N?

5 A. Yeah. I just can't remember  
6 right now.

7 MS. MCNEIL: Jean Clark.

8 Q. Does Jean Clark sound  
9 familiar?

10 A. Yes, Jean Clark.

11 Q. Where was the training  
12 performed?

13 A. At the bank.

14 Q. At your branch?

15 A. Yes, at a branch.

16 Q. And was the training  
17 one-on-one with you, or were there other  
18 tellers going through the training at the  
19 same time?

20 A. One-on-one. One-on-one to me.

21 Q. And can you tell me in general  
22 what things were covered during that  
23 training?



1           A.       I think it was all the  
2 machines, which was different from what I  
3 had before. So basically she just showed  
4 me, you know, how to use their machines,  
5 you know, because I already know how, you  
6 know, how to do the teller job.

7           Q.       Anything else you recall being  
8 gone over in training?

9           A.       I don't remember.

10          Q.       You don't remember. Okay.

11                   (Whereupon, Defendant's  
12 Exhibit 4 was marked  
13 for identification.)

14          Q.       Ms. Lee, let me show you what  
15 I'm marking as Defendant's Exhibit 4,  
16 which is entitled Teller Performance  
17 Expectations. Is that your signature at  
18 the bottom of Defendant's Exhibit 4?

19          A.       Yes.

20          Q.       And do you recall receiving  
21 this document?

22          A.       Yes.

23          Q.       And were there any discussions



1 or training about this document, or was it  
2 a document that you were just handed and  
3 signed? Or can you tell me what the  
4 discussions were around the document I  
5 guess is my question?

6 A. I don't remember we have any  
7 discussion about this. She, you know --  
8 basically Jerri just told me, you know,  
9 teller performance that I was expected to  
10 do. So she told me to sign the bottom. I  
11 did.

12 Q. And did you read this  
13 document?

14 A. I did, you know, quickly I  
15 think.

16 Q. Did you get a copy of this  
17 document? Is it put somewhere for you to  
18 keep or --

19 A. I was not give a copy of this.

20 Q. You don't have a copy of it or  
21 you weren't given one at the time?

22 A. I don't remember I have a copy  
23 of this.



1 Q. Okay. Let me just make sure I  
2 understand your answer. You don't  
3 remember one way or the other?

4 A. Right.

5 Q. I have been told that there's  
6 a notebook put together for tellers to  
7 keep documents such as this one and about  
8 delegated authority; is that correct?

9 A. Yes, that's correct.

10 Q. And Jerri Carothers creates  
11 those notebooks?

12 A. Yes.

13 Q. And where are those notebooks  
14 kept?

15 A. That's the handbook. Normally  
16 you just insert, you know, new things or  
17 new policy in the handbook.

18 Q. Separate from the handbook is  
19 there a notebook, though, specific for  
20 tellers and teller procedures?

21 A. I don't remember.

22 Q. Okay. Anything else you  
23 recall being said at the time you received





1           Q.       You don't remember one way or  
2 the other?

3           A.       That's when I -- no, I don't  
4 remember.

5           Q.       You don't remember one way or  
6 the other, Ms. Lee, is that what you're  
7 saying?

8           A.       Yes, that's what I'm --  
9                    (Whereupon, Defendant's  
10                   Exhibit 6 was marked  
11                   for identification.)

12          Q.       Ms. Lee, let me show you what  
13 I'm marking as Defendant's Exhibit 6. On  
14 the top right it's entitled Delegated  
15 Authorities - Teller. And my first  
16 question is is that your signature at the  
17 bottom left corner of the document?

18          A.       Yes.

19          Q.       And it's dated on 11/28/01.  
20 Is that when you signed it?

21          A.       Yes, that's right.

22          Q.       And my understanding, this is  
23 the delegated authorities, meaning this is



1 the authority or the amount that you can  
2 do certain transactions without getting  
3 approval from management; is that correct?

4 A. Yes, that's right.

5 Q. Do you recall any discussions  
6 about your delegated authority when you  
7 received this document?

8 A. No, but I remember I did  
9 receive a copy of this.

10 Q. And where was it kept?

11 A. In a handbook, in my handbook.

12 Q. Okay. Did you put documents  
13 like this in your regular employee  
14 handbook? Is that what you were telling  
15 me earlier?

16 A. Yes.

17 Q. Okay. I was the one that was  
18 confused, then.

19 A. Okay.

20 Q. So you would just take it and  
21 put it in your regular employee handbook  
22 that all employees at Compass Bank get; is  
23 that correct?



1 best teller because I was fast, efficient,  
2 accurate to handle the job, you know, very  
3 fast and efficiently.

4 Q. My question was the name. Do  
5 you remember the names of the customers?

6 A. I do. Actually, I do  
7 remember. I mean, I know her exactly, but  
8 I can't remember her name. I can tell you  
9 later I'm sure.

10 Q. Okay. If it comes to you, you  
11 just let me know.

12 A. Yes, I will tell you later  
13 because I just can't remember right now at  
14 this moment.

15 Q. Is it one or more than one?

16 A. More than one.

17 Q. Okay. Now, at some point  
18 you -- I don't know if it was a promotion,  
19 but you were moved to the senior teller  
20 job; is that correct?

21 A. Right, yes. After the first  
22 year, yes.

23 Q. And who would have promoted



1 you or moved you into that position?

2 A. Jerri Carothers.

3 Q. It's my understanding that you  
4 applied for the financial sales rep  
5 position; is that correct?

6 A. Yes, I did.

7 Q. And going back to the answers  
8 to the interrogatories, Exhibit 1, if you  
9 look at number eighteen --

10 A. Yes.

11 Q. -- I believe the question was  
12 to list the financial sales reps or the  
13 FSR positions that you believe you have  
14 been discriminatorily denied. And D has  
15 got Jennifer, Leslie Webb and Holly  
16 Brownell. Are those the positions, the  
17 FSR positions, that you believe you were  
18 discriminatorily denied?

19 A. Yes.

20 Q. The ones that they filled?

21 A. Yes, that's right. I remember  
22 Jennifer's name. Her last name is Little,  
23 Jennifer Little.



1 Q. Okay. And I believe Leslie's  
2 last name is Webber. Does that sound  
3 right instead of Webb?

4 A. Yes, that's right. I'm sorry.

5 Q. That's okay.

6 A. I don't remember exactly.

7 Q. I knew who you were talking  
8 about.

9 (Whereupon, Defendant's  
10 Exhibit 8 was marked  
11 for identification.)

12 Q. Let me show you Defendant's  
13 Exhibit 8. And this document is entitled  
14 at the top Bid Application. Does this  
15 document look familiar to you?

16 A. Yes.

17 Q. Now, it's my understanding  
18 that you would complete the top portion of  
19 the bid application, because you see it  
20 says to be completed by employee?

21 A. Yes.

22 Q. So let me back up. Is that  
23 your signature there where it says Shirley



1 Lee, employee signature, in the middle of  
2 the page?

3 A. I can't see my signature.

4 Where? Oh, yes. Yes, that's right.

5 Q. It's a little bit smaller than  
6 some of the other signatures.

7 A. Yes.

8 Q. And you would have completed  
9 this bid application on September 12,  
10 2002?

11 A. Yes.

12 Q. And according to the bid, it's  
13 for an FSR position; correct?

14 A. Yes.

15 Q. And my understanding was  
16 Jennifer Little was the person, the FSR,  
17 who got this particular position; is that  
18 correct?

19 A. Yes, that's correct.

20 Q. And then what did you do with  
21 this bid application? Do you give it to  
22 human resources or to Jerri?

23 A. I give it to branch manager.



1 Q. Okay. To Regina McNeil?

2 A. Yes.

3 Q. And I'm assuming that the next  
4 part of it that says completed by  
5 employee's supervisor, you don't see that  
6 part?

7 A. I see her signature here.

8 Q. Yeah, you see it now. What  
9 I'm saying is you turn it in, and then  
10 they complete the bottom part of the bid;  
11 is that correct?

12 A. Yes.

13 Q. Okay. Now, had you ever held  
14 the financial sales representative  
15 position before?

16 A. Not exactly position, but I  
17 just have some experience.

18 Q. Okay. What experience did you  
19 have that's related to the FSR position?

20 A. You know, I have a lot of  
21 customer service skills already through  
22 work at Colonial Mortgage Company and  
23 SouthTrust Bank, even K.O.K Trading



1 Q. Anybody else?

2 A. No.

3 Q. And what were you told about  
4 your selection? Did someone tell you you  
5 didn't receive the job, or did you just  
6 see Jennifer Little in the job? How were  
7 you notified that you didn't get the job?

8 A. I believe I was notified, you  
9 know, after interview, you know, someone  
10 has more experience was going to transfer  
11 to our branch to take this position.

12 Q. And do you recall when you  
13 were notified that you didn't receive the  
14 job?

15 A. I remember to say the end of  
16 the interview I was told, you know.

17 Q. You believe it was at the end  
18 of 2002?

19 A. No, the end of the -- at the  
20 end of the interview.

21 Q. Oh, I'm sorry. How much time  
22 elapsed just in general between your bid  
23 application and your interview? Are we





1           A.       I have -- you know, I think I  
2       have maybe the same, you know, amount of  
3       training as she has. I have a higher  
4       education background. You know, I work --  
5       I have a better working attitude than she  
6       has. I'm better customer skilled than she  
7       has. But I think it's just because I'm  
8       Asian-American that's why I didn't get it  
9       and she's white.

10          Q.       So you believe that you were  
11       discriminated against when you didn't  
12       receive the position?

13          A.       Yes.

14          Q.       Did you believe that at the  
15       time when you were told you didn't get the  
16       position, that you had been discriminated  
17       against?

18          A.       Actually, I was disappointed  
19       that I didn't get the job. You know, I  
20       was disappointed I didn't get any, you  
21       know, chance.

22          Q.       My question is a little bit  
23       different. I'll back up a little bit.



1 You said you believe you didn't get the  
2 FSR position because you're  
3 Asian-American?

4 A. Right.

5 Q. And my question was at the  
6 time you were told you're not going to get  
7 this job, did you believe at that time --

8 A. Right. Actually --

9 Q. Wait. Let me finish my  
10 question. Did you believe at that time  
11 that you had been discriminated against  
12 because you're Asian-American?

13 A. Actually, I see that now. At  
14 that time, you know, I did not recognize  
15 that yet in September 13, '02 I didn't. I  
16 didn't know that.

17 Q. When did you first believe  
18 that you were discriminated against with  
19 respect to the FSR position that was  
20 filled by Jennifer Little?

21 A. I have little bit of feeling  
22 after Leslie got the job, and that was  
23 very confirmed about that after Holly



1 Brownell got the job.

2 Q. I am so sorry. I just didn't  
3 understand at all what you said. I  
4 apologize.

5 A. Okay.

6 MR. KAUFFMAN: Did you get it?  
7 Could you -- let's let the court reporter  
8 read it.

9 (Record read.)

10 Q. So let me just follow up on  
11 that. You had a suspicion that you were  
12 discriminated against after Leslie got the  
13 job, and your suspicion was confirmed and  
14 felt you had been discriminated against  
15 after Holly Brownell received her FSR  
16 position?

17 A. Yes. Yes, you're right.

18 Q. What do you know about  
19 Jennifer Little's qualifications prior to  
20 her receiving the FSR position?

21 A. I thought she was a teller  
22 too, work at Compass Bank. She work at  
23 the Eufaula branch. She was a teller too.



1 Q. And my question is do you  
2 recall sitting here today what she  
3 highlighted or what she --

4 A. No.

5 Q. Okay.

6 A. No. I'm sorry.

7 (Whereupon, Defendant's  
8 Exhibit 10 was marked  
9 for identification.)

10 Q. Ms. Lee, let me show you what  
11 I have marked as Defendant's Exhibit 10,  
12 which is a memo to you from Jerri  
13 Carothers dated November 5, 2002,  
14 Attendance, Written Warning. Is that your  
15 signature at the bottom of the document?

16 A. Yes.

17 Q. And you would have signed this  
18 on November 6, 2002?

19 A. Yes.

20 Q. And do you recall any  
21 discussions surrounding this written  
22 warning for attendance?

23 A. No, I don't remember we had



1 any discussion, but I were, you know, just  
2 told, because, you know, the number of  
3 times of absence, you know, so I have to  
4 sign this form.

5 Q. And do you recall the reasons  
6 for the absences listed here?

7 A. I know most of time -- yes,  
8 because my son was sick or sometime, you  
9 know, the school has, you know, little bit  
10 of accident they call me up. I have to  
11 leave, you know, for like one hour. It's  
12 still counted absence. And then next  
13 day -- one day the kid, he fell from the  
14 swing, so they called me. So I left like  
15 one hour early, so it was counted too.  
16 And another time, you know, my kid had,  
17 you know, bad cold, so he couldn't go  
18 to the -- he was not allowed to take to  
19 daycare, so I have to call for, you know,  
20 for sick leave. But it all counts. You  
21 know, everything count. You come in late,  
22 you know, it count too.

23 Q. On the second line of



1 Talking about Regina McNeil?

2 A. Yes, and Jerri Carothers.

3 (Whereupon, Defendant's  
4 Exhibit 11 was marked  
5 for identification.)

6 Q. Ms. Lee, let me show you what  
7 I'm marking as Defendant's Exhibit 11, and  
8 I'm going to give you a second to read it  
9 because I'm not sure if you've ever seen  
10 it before. Have you ever seen Defendant's  
11 Exhibit 11 before?

12 A. No.

13 Q. Do you recall the incident  
14 that's stated in Defendant's Exhibit 11, a  
15 complaint by a Willie Lee Pittman?

16 A. No.

17 Q. Is there anything that sounds  
18 familiar about Defendant's Exhibit 11 at  
19 all?

20 A. No. But I do know Ms.  
21 Pittman.

22 Q. Okay. How do you know Ms.  
23 Pittman, just being a customer?



1           A.       Right. I seen -- I saw her  
2 several times at the bank.

3           Q.       And do you recall any  
4 discussions that either Ms. McNeil had  
5 with you or Ms. Carothers about a  
6 complaint by Willie Lee Pittman?

7           A.       No, we never have discussion  
8 about this. But I do have a comment, you  
9 know --

10                   MR. NEWMAN: Well, let me ask  
11 the questions.

12           A.       Okay.

13                   (Whereupon, Defendant's  
14 Exhibit 12 was marked  
15 for identification.)

16           Q.       Ms. Lee, let me show you what  
17 I'm marking as Defendant's Exhibit 12.  
18 This document is entitled Bid Application.  
19 Do you see your -- is that your signature  
20 on Defendant's Exhibit 12 about halfway  
21 down?

22           A.       Yes.

23           Q.       It's my understanding this is



1 your bid application for the job filled by  
2 Holly Brownell; is that correct?

3 A. Yes, I think so.

4 Q. And this is once again for the  
5 FSR position?

6 A. Yes.

7 Q. Were you interviewed for the  
8 FSR position filled by Holly Brownell?

9 A. Yes.

10 Q. And who interviewed you?

11 A. Regina McNeil.

12 Q. Anybody else?

13 A. No.

14 Q. Do you recall anything that  
15 was said during the interview?

16 A. No.

17 Q. When did you learn that you  
18 didn't receive the FSR position that was  
19 given to Holly Brownell?

20 A. I was told, you know, about  
21 the same thing. Someone else, you know,  
22 has more experience was going to, you  
23 know, transfer here to get the position.





1 Q. And do you recall when you  
2 were told that? Was it during the  
3 interview or was it after the interview?

4 A. No. At the end of the  
5 interview.

6 Q. And do you recall, just  
7 approximately, how much time elapsed  
8 between your bid application and when you  
9 were interviewed?

10 A. I don't -- I don't remember  
11 when Holly started her job. I think that  
12 that was probably about after one month.

13 Q. After one month?

14 A. Yes, because she was moved,  
15 you know, from Birmingham to Dothan,  
16 Alabama.

17 Q. And I believe you testified  
18 earlier after Holly Brownell received the  
19 FSR position you believe that you had been  
20 discriminated against with respect to the  
21 FSR position; correct?

22 A. Yes.

23 Q. Why at that time did you not



1 file anything, either with the EEOC or  
2 through any procedures with Compass Bank?

3 A. I was very upset and  
4 discouraged. I talked to my many  
5 coworkers. I was told, you know, do not  
6 worry, you know, it was not worth it to  
7 apply for the position. So I holded my  
8 tongue. And also later on that year I  
9 told, you know, human resources, the  
10 representative, that I felt I was racially  
11 discriminated. She didn't say -- she did  
12 not do anything. She did not say anything  
13 either. They just -- and then -- I'm  
14 sorry. Before I talked to her I told, you  
15 know, my supervisor I want to quit the  
16 job.

17 Q. Okay. And that was the  
18 time --

19 A. And then district manager, you  
20 know, came to the bank, met me, talked to  
21 me. She told -- she wished I could stay  
22 at the bank, continue to work at the bank  
23 because she told me I did an excellent



1 job, she liked me so she wished me to  
2 stay. So I did stay. I didn't even make  
3 complaint. But I did talk to the human  
4 resource representative about, you know,  
5 this written discrimination. She did  
6 nothing and say nothing, because I  
7 continue -- I decided to continue to work  
8 at the bank, so I didn't say anything  
9 either.

10 Q. Who were the coworkers that  
11 you talked to?

12 A. I'm sorry. Because there is  
13 such a high turnover at the bank, I don't  
14 remember back to '03 whom I talked to. I  
15 believe Adrian maybe Morrison. Just  
16 whoever worked there then I talked to. I  
17 don't remember who was there --

18 Q. What positions --

19 A. -- at that time, you know.

20 Q. What positions did they hold?

21 A. Teller and -- yes, teller and  
22 assistant teller, maybe a high teller.

23 Q. Who was the human resources



1 representative that you mentioned earlier  
2 that you saw?

3 A. Bynum Rogers.

4 Q. That was the human resources  
5 manager that you spoke to about believing  
6 you were discriminated against?

7 A. Well, she is a human resources  
8 representative for Montgomery area.

9 Q. That's the one you talked to  
10 about being discriminated against?

11 A. Yes, which covered the Dothan  
12 branch.

13 Q. And when did you talk to Bynum  
14 Rogers?

15 A. I believe we would have a  
16 get-together at the end of '03, maybe  
17 around November or October, the year 2003.  
18 I don't remember exactly date, but I know  
19 it's late '03.

20 Q. And why did you wait until the  
21 end of '03 to talk to Bynum Rogers about  
22 feeling discriminated against with respect  
23 to the FSR position?



1           A.       Because that's -- that was the  
2 first time, the only time I saw her. I  
3 didn't -- I didn't see her earlier. I  
4 don't know whom, you know, I could talk to  
5 besides Bynum Rogers.

6           Q.       Do you believe that you were  
7 more qualified than Holly Brownell?

8           A.       Yes.

9           Q.       Why do you believe you were  
10 more qualified than Holly Brownell?

11          A.       I believe that I am. After  
12 all, I have, you know, a higher education  
13 than she has. Just same as, you know,  
14 before, as I said, same as, you know, when  
15 other people get the same position. I  
16 think I have more customer service skills.  
17 I have worked at Dothan Main for long time  
18 so I'm familiar with all the customers. I  
19 have good customer service skill, solve  
20 problem skills. I was willing to take  
21 challenge, but I was not given any  
22 opportunities. I was not given any  
23 opportunity to use my knowledge, to



1 maximize my, you know, talent.

2 Q. Just let me clear one thing  
3 up. I apologize. I'll try not to go into  
4 something you already covered. But you  
5 said after Holly Brownell received the  
6 position you believed at that time you  
7 were discriminated against; correct?

8 A. Yes.

9 Q. What was it at that time that  
10 made you think I have been discriminated  
11 against with respect to being  
12 Asian-American?

13 A. Because I had been applying  
14 for three times. And I don't know where  
15 the application sheet for the other time,  
16 but I applied three time, you know. Every  
17 time I was told, you know, someone else  
18 has more experience to fill the position,  
19 and then they all white. Just because I'm  
20 Asian-American. And I believe I just was  
21 racially discriminated against.

22 Q. We did talk about another FSR  
23 position that was filled by Leslie Webber;



1 correct?

2 A. Yes.

3 Q. And Leslie Webber filled the  
4 FSR position before Holly Brownell;  
5 correct?

6 A. Yes.

7 Q. And I have her date of filling  
8 that position being in November of 2002.  
9 And my question to you is does that sound  
10 correct?

11 A. Yes. I remember she came  
12 later in the year, you know, months before  
13 Christmas. I think that was right.

14 Q. So there wouldn't have been  
15 much time between Leslie Webber having the  
16 job and then Holly Brownell filling the  
17 job; is that correct?

18 A. Yes, that's right, because  
19 there's, you know, another position open  
20 because we have three FSR positions at  
21 bank, yes.

22 Q. And you applied for the FSR  
23 position that Leslie Webber received?



1 A. Yes, I did.

2 Q. Were you interviewed for the  
3 job that Leslie Webber received?

4 A. Yes, I did.

5 Q. Who interviewed you?

6 A. Regina McNeil.

7 Q. Anybody else?

8 A. No.

9 Q. When did you learn that you  
10 didn't receive the FSR position that was  
11 filled by Leslie Webber?

12 A. I believe that I was told at  
13 the end of interview, you know, someone  
14 else has more experience was going to  
15 transfer to Dothan branch and take the  
16 position.

17 Q. Do you believe that you were  
18 more qualified than Leslie Webber for the  
19 FSR position?

20 A. I didn't -- at that time I did  
21 not know, you know, Leslie Webber. Yes, I  
22 believe, you know, I have an equal, you  
23 know, opportunity and qualification than





1 for identification.)

2 Q. Ms. Lee, let me show you what  
3 I have marked as Defendant's Exhibit 13,  
4 which is a memo to -- it's addressed memo  
5 to you from Jerri Carothers dated on  
6 January 27, 2003?

7 A. Yes.

8 Q. Regarding a customer service  
9 complaint. Do you recall receiving a copy  
10 of Defendant's Exhibit 13?

11 A. Yes, I did.

12 Q. And it appears to me that the  
13 handwriting on here, but I need you to  
14 confirm, on the bottom of the first page  
15 of the exhibit and the second page is your  
16 handwriting; is that correct?

17 A. Yes. I was told, you know, I  
18 could write down my comments, my idea  
19 underneath this, so I did.

20 Q. And do you remember any  
21 discussions about this Defendant's Exhibit  
22 13 when you received this?

23 A. I remember I have brief



1 Asian-American why he doesn't like you?

2 A. Yes, because I'm not white.  
3 I'm not American.

4 (Whereupon, Defendant's  
5 Exhibit 14 was marked  
6 for identification.)

7 Q. Ms. Lee, let me show you what  
8 I have marked as Defendant's Exhibit 14,  
9 which is a memo addressed to you from  
10 Jerri Carothers regarding attendance  
11 probationary warning. Is that your  
12 signature at the bottom of the Defendant's  
13 Exhibit 14?

14 A. Yes.

15 Q. And looks like you received it  
16 on January 27, 2003?

17 A. Yes. Let me go back to look  
18 at the other one. I have another one.  
19 Okay. When was that? Okay. That is  
20 November 2002. Okay, that is right.

21 Q. And do you recall any  
22 discussions about Defendant's Exhibit 14  
23 with Jerri Carothers?



1 A. No.

2 Q. And do you recall the reasons  
3 for any of these absences and tardies that  
4 are listed on this document?

5 A. Well, as I told you earlier,  
6 you know, most of the time because of my  
7 kid was sick, or some accident happened at  
8 the daycare and I left early or come back  
9 late a little bit. But everything is all  
10 count absent.

11 Q. Right. According to their  
12 policy, they keep up with all absences;  
13 correct?

14 A. Yes. I think supervisor keep  
15 the records for this. So, actually -- I  
16 just note this. I'm sorry. The  
17 difference between this one and this  
18 one --

19 Q. And when you say this one, can  
20 you tell me what exhibit number?

21 A. Exhibit 10. So I was absent  
22 five times. On this one is absent five  
23 times too except tardy, got a twenty



1 difference. But, you know, the occurrence  
2 is the same, the occurrences, you know,  
3 five occurrences, absences.

4 (Whereupon, Defendant's  
5 Exhibit 15 was marked  
6 for identification.)

7 Q. Okay. Well, let me show you  
8 another one. Here is Defendant's Exhibit  
9 15.

10 A. Well, it doesn't matter.

11 Q. Your signature is at the  
12 bottom of Defendant's Exhibit 15?

13 A. Yes.

14 Q. And this one is dated on July  
15 21, 2003; is that correct?

16 A. Yes.

17 Q. And do you recall any  
18 discussions surrounding you receiving this  
19 written counseling for attendance?

20 A. Yes.

21 Q. What do you recall?

22 A. I remember discussion with  
23 Jerri Carothers. She told me about this,



1 you know. She was apologize, you know,  
2 for this happen. You know, I was too,  
3 apologize. She said, well, just come to  
4 the policy, you know, and you need to sign  
5 this. I did.

6 Q. Anything else you recall being  
7 said?

8 A. No.

9 (Whereupon, Defendant's  
10 Exhibit 16 was marked  
11 for identification.)

12 Q. Let me show you Defendant's  
13 Exhibit 16, which is a memo to you from  
14 Jerri Carothers dated November 19, 2003.  
15 Is that your signature at the bottom of  
16 Defendant's Exhibit 16?

17 A. Yes.

18 Q. And you would have received  
19 this on November 21, 2003?

20 A. Yes.

21 Q. And do you recall any  
22 discussions with Jerri Carothers about  
23 Defendant's Exhibit 16 when you received



1 it?

2 A. Yes, I did.

3 Q. What do you recall being said?

4 A. Well, she called me, told me  
5 about this, you know, the number of times  
6 of absence. She told me she was  
7 understand, you know, things happen, but,  
8 you know, if your absence number  
9 occurrence is over, you know, look over  
10 the policy. She have to give me this to  
11 sign, so I did.

12 Q. Anything else?

13 A. No. I think she said  
14 according to the policy she had to give me  
15 this to sign.

16 (Whereupon, Defendant's  
17 Exhibit 17 was marked  
18 for identification.)

19 Q. Ms. Lee, let me show you  
20 Defendant's Exhibit 17, which is a memo to  
21 you from Jerri Carothers dated February  
22 24, 2004 regarding attendance, written  
23 counseling. Is that your signature at the



1 bottom of Defendant's Exhibit 17?

2 A. Yes.

3 Q. And you would have received  
4 this written counseling on March 2, 2004?

5 A. Yes.

6 Q. Do you recall any discussions  
7 when you received this document?

8 A. Yes.

9 Q. What do you recall being said?

10 A. I think Jerri Carothers just  
11 told me, you know, same things, you know,  
12 sorry for what happened, but, you know, I  
13 need to, you know, be careful, you know,  
14 try not to, you know, let it happen again.  
15 She understand, of course, the reasons  
16 sometimes of what happened, but, you know,  
17 so --

18 Q. Anything else?

19 A. No.

20 Q. Now, you mentioned previously  
21 that you had -- well, was there a time  
22 during your employment that you stated you  
23 wanted to resign?



1 A. Yes.

2 Q. And do you recall when that  
3 was?

4 A. I don't remember the exact  
5 date and time.

6 Q. I've got some documents to  
7 indicate it was around April 2004. I know  
8 you can't recall exactly, but does that  
9 sound about right?

10 A. Yes.

11 Q. What was the reason why you  
12 wanted to resign?

13 A. Because I was upset. I was  
14 discouraged for -- you know, for turn  
15 down, you know, FSR position. Also, you  
16 know, I just felt I'm over-qualified to  
17 doing the teller job. I was treated  
18 unfairly. Also I was treated without, you  
19 know, dignity and respect.

20 Q. Anything else?

21 A. No.

22 Q. How were you treated unfairly?

23 A. There is a lot of things





1     happen, which give me that feeling.     FSR,  
2     position, you know, is one thing..     There's  
3     some other things.

4             Q.       And I'm asking for those?

5             A.       Oh, okay.     Well, some things I  
6     probably don't remember at this moment,  
7     but I can tell you later.     Like, you know  
8     drivethrough, working in the drivethrough.  
9     Nobody liked to work at the drivethrough  
10    because, you know, that is -- there's  
11    supposed be two people, two teller work at  
12    the drivethrough window.

13                   And drivethrough is the  
14    busiest place in the whole place, whole  
15    bank, you know, because everybody, you  
16    know, just love the drivethrough, you  
17    know, drive by.     They don't have to get  
18    out the car.     They don't have to come in  
19    the bank.     It's fast and convenient.     So  
20    just many more customers at the  
21    drivethrough than the lobby.

22                   And then -- but the fact is,  
23    you know, most of the time only one person



1           Q.       Okay. I understand that. But  
2 my question is do you recall anything that  
3 was in the letter of resignation? Did it  
4 just say --

5           A.       No. It said I'm sorry to  
6 inform you that I decided to leave the  
7 Compass Bank. You know, my last day was  
8 blah, blah, blah. You know, that's it.

9           Q.       Now, how did it come about  
10 that you did not resign from Compass Bank  
11 that time?

12          A.       Well, other tellers told me,  
13 you know, to stay. Customers told me to  
14 stay. The district manager came to the  
15 bank, told me the good job I did. She  
16 asked me to stay. Bynum, I saw Bynum,  
17 human resource representative, so I have a  
18 talk with her too. She wished me to stay  
19 too. So I was encouraged to stay. And  
20 then we have also have Compass club  
21 meeting dinner at Old Mill Restaurant in  
22 Dothan. So I was awarded, you know,  
23 award, you know, for the -- for the, you



1 want me to leave. So I did put that all  
2 into consideration.

3 Q. Why did you tell the customers  
4 that you were going to leave? Were you  
5 just telling them your last day would  
6 be --

7 A. Yes, I'm leaving for my last  
8 day.

9 Q. Is the district manager you've  
10 been referring to Mona George?

11 A. Yes.

12 Q. Tell me what Mona George said  
13 to you about wanting you to say?

14 A. I don't remember the exact  
15 words she said, but she said, you know,  
16 Shirley, please stay, you know, you did an  
17 excellent job, you know, I like you, so  
18 please stay for me. I said, okay.

19 Q. Anything else you recall being  
20 said in that discussion?

21 A. That's basically what she told  
22 me, maybe not same word.

23 Q. What did you tell Mona George



1 say --

2 A. Like a cross --

3 Q. Let me finish my question  
4 first.

5 A. Oh, I'm sorry.

6 Q. It's okay. It's just  
7 important for the record that I finish my  
8 question. What type of training did she  
9 say she could help with?

10 A. Doing the FSR job, the cross  
11 training. She told me she would tell the  
12 manager about it and they would do  
13 something, training on me, but nobody  
14 talked to me. Nobody did any training.

15 Q. Okay. Anything else you  
16 recall discussing with Bynum Rogers?

17 A. No. That's the only two  
18 things basically we talked about.

19 Q. Why did you decide to stay at  
20 Compass Bank? Was it because these  
21 individuals asked you to stay?

22 A. (Witness nods.)

23 Q. Is that a yes?



1           A.       Well, because I worked at a  
2 bank for long time. I liked the  
3 customers. I like my coworkers. I was  
4 still, you know, hoping, you know, one day  
5 maybe I will get promoted, get a different  
6 position job, which was to me better, so I  
7 decided to stay then.

8           Q.       Any other reason?

9           A.       No.

10          Q.       Now, according to my records,  
11 in June of 2004 you filed a petition for  
12 protection from abuse against your former  
13 husband, Mr. Lee. Does that sound  
14 correct?

15          A.       2004?

16          Q.       Yes, ma'am. June.

17          A.       Yes, I think so.

18          Q.       What was your husband doing at  
19 that time that required you to file a  
20 petition for protection?

21          A.       He just -- he threaten me, you  
22 know, to take my son away from me. So I  
23 thought he -- I believe he was dangerous,



1 so I filed the petition, restraining order  
2 against him.

3 Q. Was that the only thing he  
4 did -- that's a lot. I'm not meaning it  
5 that way. But was there anything else  
6 that he did that caused you to file the  
7 petition for protection?

8 A. No. That's the main reason.

9 Q. And what was the result of the  
10 petition? Did you go to court, or what  
11 happened?

12 A. Well, the result, we got  
13 divorced, so I was awarded divorce and the  
14 full custody for my son.

15 (Whereupon, Defendant's  
16 Exhibit 18 was marked  
17 for identification.)

18 Q. Ms. Lee, I'm going to show you  
19 what I'm marking as Defendant's Exhibit  
20 18. I just have a few questions about  
21 this document that's entitled Teller  
22 Performance Expectations. The first  
23 question, is that your signature at the



1 bottom of the page?

2 A. Yes.

3 Q. And it looks like Jerri  
4 Carothers dated it 4/13/04. Is that about  
5 the time in which you signed it?

6 A. Yes, I think so. Yes.

7 Q. Do you recall any discussions  
8 about this document at the time you  
9 received it?

10 A. I just remember she told me  
11 that just some teller performance  
12 expectations, of course, you are aware of  
13 this. I say, yes. And then she said,  
14 okay, just sign at the bottom. I did.

15 Q. Do you recall any training  
16 that you received by Mona George about  
17 loss prevention?

18 A. I did. I did remember. We  
19 have a meeting.

20 Q. And according --

21 A. Teller meeting.

22 Q. According to my records, that  
23 happened in October of 2004. Does that



1 sound correct?

2 A. Yes, yes, about that time I  
3 remember.

4 Q. What was the training about?

5 A. About shortage, overage, you  
6 know, how to prevent the loss.

7 Q. What was said about how to  
8 prevent the loss?

9 A. Just because she told me it  
10 was close to the holiday time. You know,  
11 just be extra cautious about it, fraud  
12 activities.

13 Q. Anything else?

14 A. And make sure you know -- you  
15 knew your delegated authority, and Mona  
16 asked me what my delegated authority was.  
17 I told her. I told her -- I believe I  
18 told her two thousand dollars, and then  
19 she said okay. But, you know, Jerri  
20 Carothers, supervisor, if I was wrong, she  
21 should have corrected me then.

22 Q. Okay.

23 A. Because it was very serious





1 (Whereupon, Defendant's  
2 Exhibit 19 was marked  
3 for identification.)

4 Q. Ms. Lee, let me show you  
5 Defendant's Exhibit 19. It's my  
6 understanding these were documents used by  
7 Mona George during loss prevention  
8 training. Would you look through the  
9 documents and see if I'm correct, because  
10 there's several pages to the document?

11 A. Yes, I remember she talked  
12 about AMERICAN, yes.

13 Q. Talk about what?

14 A. You know, AMERICAN. Each  
15 letter represent what is, you know --

16 Q. Oh, the acronym. I'm sorry.

17 A. Yeah. Check notations,  
18 deposit notations. Yes, we have meeting  
19 to talk about this.

20 Q. And were you given copies of  
21 Defendant's Exhibit 19?

22 A. Yes, I believe I did, yes.

23 Q. And you will see on the first



1 page at the top it talks about a  
2 T-notation. And then if you look at the  
3 third page where it says check notations  
4 at the top, you see that check there and  
5 it's got an SM/Open Date?

6 A. Uh-huh.

7 Q. Do you see that? You just  
8 need to answer yes. I'm sorry.

9 A. Yes.

10 Q. Okay. Is that the T-notation  
11 or the T-bar?

12 A. Yes. They call it T-bar, yes.

13 Q. Okay. And then I believe  
14 below it explains what each one of those  
15 items are; is that correct?

16 A. Yes.

17 Q. Do you recall during the  
18 training that Mona George provided on loss  
19 prevention, her talking about any specific  
20 fraudulent activity?

21 A. She went through all of this.

22 Q. Just so we're clear, when you  
23 say this, you're talking about the



1 information in Defendant's Exhibit 19?

2 A. Right, yes, on Exhibit 19.

3 Yes, she went through all of this, and she  
4 show us also some examples of, you know,  
5 the mistake, you know, other teller at the  
6 other bank, you know, did earlier that  
7 year or before.

8 Q. And do you recall what the  
9 mistake was?

10 A. Well, one example, like one of  
11 the teller cash a check, you know, without  
12 even signature on there.

13 Q. When you say signature, you're  
14 talking signed at the bottom right-hand  
15 corner?

16 A. Right. Without customer  
17 signature, yes. The other one is not a  
18 check because no routing number. And some  
19 others.

20 Q. Do you remember what the other  
21 examples were?

22 A. No.

23 Q. Do you remember if she showed



1 any pictures of individuals who might be  
2 conducting fraudulent activity with  
3 checks?

4 A. Not a picture, you know, of a  
5 criminal who did this fraudulent activity.  
6 I don't remember her showing the picture.

7 Q. You don't remember seeing  
8 that? I'm sorry, Ms. Lee, I just didn't  
9 understand your testimony.

10 A. Yes. No, I don't remember  
11 seeing it.

12 Q. Okay. Do you know whether she  
13 showed the group pictures of people who  
14 were actually doing the fraudulent  
15 activity with the checks?

16 A. I know she talk about, you  
17 know, this, you know, these people, you  
18 know. There's a group of people, you  
19 know, have been doing this, you know, at  
20 the different bank, different locations,  
21 but I don't remember their names or, you  
22 know, the pictures.

23 Q. You just don't remember



1 whether she showed them or not?

2 A. She showed us --

3 Q. I'm being specific about the  
4 pictures?

5 A. I don't remember.

6 Q. Okay.

7 A. I don't remember what they  
8 look like.

9 (Whereupon, Defendant's  
10 Exhibit 20 was marked  
11 for identification.)

12 Q. Ms. Lee, let me show you what  
13 I'm marking as Defendant's Exhibit 20,  
14 which is a two-page exhibit. It's Bates  
15 labeled 084 and 085.

16 A. Right.

17 Q. Do you recognize these as the  
18 two checks that you handled as a teller --

19 A. Yes.

20 Q. -- that resulted in the loss  
21 of three thousand dollars in the bank?

22 A. Yes, fifteen hundred each,  
23 yes.



1 Q. Right. And help me out here  
2 because I'm not a teller, okay?

3 A. Okay. Sure, sure.

4 Q. I have done a lot of work for  
5 Compass Bank, but I may be a little slow  
6 on this. How can you tell that you are  
7 the one who handled these checks? Do you  
8 have a teller number that gets put on the  
9 check?

10 A. Yes. I was going to say --  
11 yes, I'm teller number seven. So you can  
12 see -- the 728, that's my number.

13 Q. Okay.

14 A. At the bottom of the check  
15 above the memo line.

16 Q. And, obviously, this is a  
17 front cover and back cover of the checks.  
18 And there's the signature for the  
19 individual. What is the number under  
20 Cheryl Alleman, the name there, Cheryl  
21 Alleman, that's on the back of the check?  
22 Starts with an S. What is that number?

23 A. That's --



1 Q. Is that a Social Security  
2 number?

3 A. Social Security number and  
4 license number.

5 Q. And driver's license number is  
6 below that I guess?

7 A. Yes.

8 Q. And on the bottom of the first  
9 page of Defendant's Exhibit 20 there is  
10 some handwriting there. And I'm not sure  
11 if you've ever seen this handwriting or  
12 not, but it's my understanding it's not  
13 your handwriting anyway because it says  
14 talked to Shirley. That's not your  
15 handwriting, though, Ms. Lee?

16 A. No. That's Jerri's  
17 handwriting.

18 Q. Okay.

19 A. Jerri my supervisor, Jerri  
20 Carothers.

21 Q. And I believe I saw somewhere  
22 that it was brought to your attention  
23 about the loss to the bank from these two



1 checks. It was brought to your attention  
2 on December 30, 2004. Does that sound  
3 right?

4 A. Yes.

5 Q. Can you tell me what  
6 discussions you had with Jerri Carothers  
7 or others about these checks?

8 A. Well, Jerri, you know, just  
9 walked to my window and told me, you know,  
10 about this loss in front of everybody.  
11 Other tellers heard it too. One customer  
12 at Phyllis window heard it too. She told  
13 me, you know, she couldn't believe, you  
14 know, that I did that.

15 Q. I'm sorry. Could you repeat  
16 that last phrase?

17 A. She said, you know, she  
18 couldn't believe that I did that. One is  
19 understandable, and I have two. And then  
20 that just, you know, ridiculous. So she  
21 told me about it.

22 Q. And you may have told me the  
23 best you can recall what she said, but I





1           A.       I believe early, early January  
2 or maybe late December '04, late  
3 December -- late December '04 or early  
4 January '05. I don't remember the date.

5           Q.       Any other discussions you had  
6 with Jerri --

7           A.       No. No, I didn't have another  
8 one.

9           Q.       And I'm saying until you were  
10 informed of the termination decision?

11          A.       Right. No, I did not have  
12 another discussion or meeting.

13          Q.       Okay. Going back to the  
14 checks, Defendant's Exhibit 20, there's no  
15 T-bar on the checks; correct?

16          A.       Right.

17          Q.       And why is that?

18          A.       It was very busy day, you  
19 know, short-handed. You know, she is  
20 customer. I just forgot.

21          Q.       And you're saying she's a  
22 customer, but she really wasn't a  
23 customer; correct?



1 Q. I'm sorry. Repeat that.

2 A. Yes, I did. Yes, I do  
3 remember what happened then. But I don't  
4 remember the one I did earlier.

5 Q. Okay. Is there any reason why  
6 you remember this specific check, the  
7 first one on Defendant's Exhibit 20?

8 A. Well, because I was suspicious  
9 about this little bit. But then the  
10 supervisor was at lunch, so she was not  
11 there. I was so busy, so I didn't do --  
12 that's why I didn't do the T-bar. And  
13 then she has I.D., so I just continue.  
14 And she is a bank customer, so bank  
15 customer is not required to do the  
16 thumbprint. So, I mean, so I cashed the  
17 check.

18 Q. What kind of I.D.? Did she  
19 have a driver's license?

20 A. Yes, she had a driver's  
21 license.

22 Q. What was the race of the  
23 person who was acting like she was Cheryl



1 Alleman and presented the check to you?

2 A. She was a black lady.

3 Q. Do you know what race Cheryl  
4 Alleman is?

5 A. She is black too.

6 Q. The actual Cheryl Alleman is  
7 black is your understanding?

8 A. Uh-huh.

9 Q. Is that a yes?

10 A. Yes, yes.

11 Q. Do you remember anything about  
12 the lady who was impersonating Julie

13 Brannon and presented the check to you?

14 A. Actually, I didn't, because  
15 that happened, you know, several months  
16 ago. I mean, that's much earlier, you  
17 know, '04.

18 Q. You don't remember her?

19 A. No, I don't remember.

20 (Whereupon, Defendant's  
21 Exhibit 21 was marked  
22 for identification.)

23 Q. Ms. Lee, I'm now showing you



1 Defendant's Exhibit 21, which I believe is  
2 a document you referenced earlier. This  
3 is a memo to you from Regina McNeil and  
4 Jerri Carothers dated January 20, 2005.  
5 Is this the written notice of termination  
6 from employment?

7 A. Yes.

8 Q. And you were -- I stopped you  
9 earlier because I knew we were going to  
10 get to it. But tell me the circumstances  
11 and discussions you had with either Regina  
12 McNeil or Jerri Carothers at the time of  
13 your termination when you were presented  
14 with this document?

15 A. Sorry?

16 Q. It was a long question.

17 A. Yeah.

18 Q. Tell me what happened leading  
19 up to your termination and receiving that  
20 document?

21 A. That's on January 28th.  
22 That's different day from the date I was  
23 terminated, so --



1 for identification.)

2 Q. Ms. Lee, I'm now showing you  
3 what I have marked as Defendant's Exhibit  
4 22, which is a letter dated February 1,  
5 2005. It appears to be from you to Bynum  
6 Rogers; is that correct?

7 A. Yes, yes.

8 Q. And you wrote this letter;  
9 correct?

10 A. Yes.

11 Q. That's your signature on the  
12 last page?

13 A. Yes.

14 Q. And it's got a CC there,  
15 Alabama Department of Industrial Relations  
16 and the Civil Rights Center in Washington,  
17 D.C. Now, did you send this letter to  
18 these two places as well?

19 A. Yes, I did.

20 Q. Now, I've got some records  
21 relating to the Department of Industrial  
22 Relations, but did you ever hear any  
23 response back from the Civil Rights Center



1 Q. It's the second sentence  
2 there. I worked for the bank for some  
3 four years and was fired on January 28,  
4 2005 for an error that is common. And I  
5 was just wondering what error you're  
6 talking about there?

7 A. For cash a check without doing  
8 the T-bar.

9 Q. And then it says, whites who  
10 commit this error are not terminated. Who  
11 are the whites that you're referring to?

12 A. Tiffany Davis.

13 Q. Okay. Anybody else?

14 A. Not that I know. Not the  
15 branch that I work.

16 Q. Okay. When did Tiffany forget  
17 to do the T-bar or not do the T-bar?

18 A. I don't know the date.

19 Q. How did you know that Tiffany  
20 did not do a T-bar?

21 A. Oh, I know. She caused a  
22 loss, too. She cashed a check which  
23 turned out to be counterfeit check. So



1       evidently she did not check the signature.  
2       She did not ask approval for the  
3       supervisor to sign the check. So she was  
4       against the policy too. And the result is  
5       the same, you know, caused a loss. Of  
6       course, you know, nobody is saying  
7       anything. I just found out later on.

8               Q.       How did you find out?

9               A.       From a friend, from her  
10      friend.

11              Q.       Who is that?

12              A.       From Tiffany's friend. I  
13      forgot her name.

14              Q.       How do you know her friend?

15              A.       Because her friend work at the  
16      bank too.

17              Q.       Oh. So you learned from  
18      people who worked at the bank?

19              A.       Yes.

20              Q.       And you don't remember their  
21      name?

22              A.       It was a new teller. Because  
23      it was a new teller, I don't remember.



1 Q. Oh.

2 A. You know, it's a new teller.

3 Q. You never had any discussions  
4 with Tiffany about it, though?

5 A. Of course not.

6 Q. And was this with just one  
7 friend of Tiffany's you discussed this  
8 with?

9 A. No. And then later on I heard  
10 it from other teller.

11 Q. Who was that?

12 A. Phyllis. The new teller last  
13 name is Brankin.

14 Q. Say that again. I'm sorry.

15 A. Brankin.

16 Q. Brankin?

17 A. Brankin, yes. I forgot her  
18 first name.

19 Q. And they are the ones that  
20 told you that Tiffany had a loss as a  
21 result of failing to do the T-bar?

22 A. Right.

23 Q. When did they tell you this?





1 ever tell you what discussions, if any,  
2 that management had with Tiffany Davis  
3 about the loss?

4 A. No, they did not tell me, you  
5 know, the content in the meeting between  
6 Tiffany and manager.

7 Q. I'm sorry. What was the last  
8 part you said?

9 A. They did not tell me the  
10 content of the meeting between Tiffany and  
11 manager.

12 Q. Okay.

13 A. They just, you know, saw the  
14 result, you know, the fact, obvious fact.

15 Q. Do you know of any Compass  
16 Bank employees who have been fired for a  
17 loss after not doing a T-bar or verifying  
18 signatures, other than yourself?

19 A. Oh, it's happened before.  
20 This is not the first time.

21 Q. And who --

22 A. It's happened all the time.

23 Q. Who has been fired for that?



1           A.       I don't know. I don't know  
2 them.

3           Q.       Okay.

4           A.       At Dothan Main I don't know.  
5 I mean, you know, I'm the -- I'm the only  
6 one that was fired there. I don't know,  
7 you know, what happened at other branch.

8                   (Whereupon, Defendant's  
9 Exhibit 25 was marked  
10 for identification.)

11          Q.       Ms. Lee, let me show you  
12 Defendant's Exhibit 25, which is the  
13 complaint you filed in this action. If  
14 you will, turn to the second page of the  
15 document, paragraph number seven, that  
16 states that the Defendant's agents,  
17 Plaintiff's supervisor, disciplined her in  
18 a manner not used to discipline white  
19 employees which was humiliating and  
20 insulting. Is that something that we've  
21 talked about?

22          A.       Yes.

23          Q.       And could you just -- without



1 going into all the detail of it, could you  
2 just briefly tell me what you're referring  
3 to there?

4 MR. NEWMAN: Even though we  
5 have already talked about it?

6 MR. KAUFFMAN: Yeah. I just  
7 want -- just whatever -- a glimpse of it,  
8 just to make sure we have talked about it.

9 A. Just the way they, you know --  
10 between -- between me and Tiffany Davis.

11 Q. Okay. And paragraph eight  
12 says, management at plaintiff's place of  
13 employment habitually treated any  
14 minority, African-American, Asian,  
15 different from the treatment whites  
16 received. Have we also discussed all ways  
17 in which management did that?

18 A. Yes, I think we have already  
19 covered that.

20 Q. That's good. That saves us  
21 time. All right. I am looking at your  
22 answers to some requests for production.  
23 I will just go ahead and mark them.



1           A.       No, I don't have a copy, but I  
2       have -- well, I'm sorry. It may be in the  
3       employee handbook. I have seen this one  
4       before.

5           Q.       When would you have seen that?  
6       Some time during your employment it was  
7       given to you?

8           A.       Yeah, some time in the  
9       employment. I think in the beginning of  
10      employment I was given a copy of this. I  
11      just have never, you know, have discussion  
12      with anybody about it.

13          Q.       Ms. Lee, when did you become a  
14      U.S. citizen?

15          A.       In the year 2001. No. 2002.

16          Q.       It was after you began  
17      employment with Compass Bank; is that  
18      correct?

19          A.       Yes, that's right, after.

20          Q.       And did somebody -- did the  
21      bank throw you a party or something or  
22      have a cake or something when you obtained  
23      your citizenship?



1           A.       Actually, I think Jerri did.  
2 Jerri Carothers did, yes, did give me  
3 welcome meeting -- I mean, a party, small  
4 party, yes.

5           Q.       Was there a cake at the party?

6           A.       I have a cake. I have -- you  
7 know, everybody bring a dish, you know,  
8 covered dish from home.

9           Q.       Was it lunchtime?

10          A.       Yes, at lunchtime, yes.

11          Q.       And that was in honor of you  
12 becoming a U.S. citizen?

13          A.       Yes.

14          Q.       Did Ms. Carothers ever help  
15 you or offer any assistance with respect  
16 to your problems that you were having with  
17 your ex-husband, Mr. Lee?

18          A.       You know, because she sit just  
19 beside my window we have some causal  
20 conversations, but she never really -- we  
21 never sit down. She asked me what the  
22 problem is, if there was anything she  
23 could help me or assist with, you know.



1 (Whereupon, Defendant's  
2 Exhibit 31 was marked  
3 for identification.)

4 Q. Let me show you what I'm  
5 marking as Defendant's Exhibit 31.

6 A. Okay.

7 Q. It is a memo to Shirley from  
8 Jerri Carothers. And my understanding,  
9 just so you know, this document -- it's my  
10 understanding this document was never  
11 given to you. It was a draft of a written  
12 counseling. And it relates to an employee  
13 meeting where service standards were  
14 discussed about not taking personal calls  
15 wherein you were talking to -- while  
16 talking to customers. Do you recall a  
17 meeting wherein it was discussed about  
18 service standards and not taking personal  
19 calls while waiting on customers?

20 A. We have general meeting. The  
21 supervisor have meeting with every teller.

22 Q. Do you recall ever been talked  
23 to or counseled about taking a personal



1 call when you were waiting on a customer?

2 A. No, I don't remember on this  
3 one.

4 Q. And the date of this is in  
5 April of '04, which is I believe very  
6 close to the time period in which you  
7 expressed an intent to resign from the  
8 bank at one time. Do you know if  
9 there's --

10 A. Yes, that's right.

11 Q. Okay. Do you recall ever  
12 being counseled about being on a personal  
13 call while waiting on a customer close to  
14 the time when you expressed your intent to  
15 resign?

16 A. That's right. I remember now.  
17 My memory, you know, just refreshed. I  
18 remember. That's right. Actually, that  
19 was one of the reasons I resign because I  
20 was -- I was, you know, treated wrong,  
21 treated unfairly.

22 Q. Tell me what happened. Tell  
23 me what discussions either Ms. McNeil or



C E R T I F I C A T E

STATE OF ALABAMA)  
JEFFERSON COUNTY)

I hereby certify that the  
above and foregoing deposition was taken  
down by me in stenotypy, and the questions  
and answers thereto were reduced to  
typewriting under my supervision, and that  
the foregoing represents a true and  
correct transcript of the deposition given  
by said witness upon said hearing.

I further certify that I am  
neither of counsel nor of kin to the  
parties to the action, nor am I in anywise  
interested in the result of said cause.

A handwritten signature in cursive script that reads 'Heather Spier'.

COMMISSIONER - NOTARY PUBLIC



IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

SHIRLEY Z. LEE,

PLAINTIFF,

VS.

COMPASS BANCSHARES, INC.,

DEFENDANT.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

CASE NO.: 1:05-CV-717-A

PLAINTIFF'S ANSWER TO DEFENDANTS FIRST SET OF  
INTEROGATORIES

1. Yuling Zhou, Yuling Lee, Shirley Lee, or Yuling Tidmore  
Address:

(April 1999 - present)

(April 1998-April 1999)

(October 1997-April 1998)

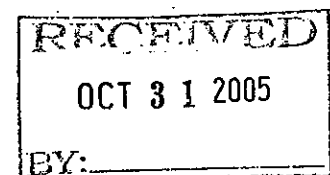
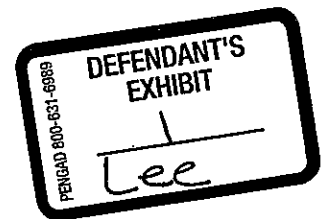
June 1996-October 1997

August 1995-June 1996

2. SSN:

3. Beijing Huang Cheng Gen Elementary School  
(1970-1976)

Redacted



MALCOLM R. NEWMAN  
ATTORNEY, PC.  
P.O. Box 6137  
Dothan, AL. 36302-6137

Beijing XiSi Middle School Beijing, P.R. China  
(1976-1982)

University of International Business and Economics, Beijing, P.R. China  
B.A., degree on International Trade  
(1982-1987)

Troy State University, Troy Alabama  
M.B.A. on Business Administration  
(1993-1995)

4. Randy Tidmore  
Married 10 months

Stephen Lee  
Married 7 ½ years

5. Calvary Baptist Church

To share the gospel news about Jesus Christ with the world as well as the  
local community.

6. Compass Bank (April 2001- January 2005)  
Position: Senior Teller  
Supervisor: Jerri Carothers  
Pay rate: \$8.15/hour  
Reason for leaving: discharged

New Canton Resturant (February 2000 – February 2001)  
Position: owner  
Salary: \$27,000/year  
Reason for leaving: business was sold

7. 2004 Salary: \$16,782.00/year  
2003 Salary: \$16,552.00/year  
2002 Salary: \$16,222.75/year

Other benefits includes: 13 paid vacations  
6 paid national holidays  
Medical insurance  
Dental/Vision Plan  
Optional Life Insurance  
Optional Accidental Death and Dismemberment  
Spouse/Child Life Insurance  
Medical spending account

401K retirements plan  
Paid family emergency/sick leave

8. Filed Bankruptcy Chapter 7 on September 7, 2001  
Case #01-03044-DHW-7
9. None
10. None
11. None
12. From the year 2001 to present, the only employer I had was Compass Bank, Dothan, AL. During the time that I was employed, I had applied for the position of FSR (Financial Service Representative) three times. The approximate time was: 10/2002, 06/2003, and 11/2003. Each time, I was turned down based on the decision of the branch manager because she told me that she had a better candidate than me.
13. Because of the all the humiliation and insult to me caused by the Defendant, I request compensation of app. \$5,000,000.000 because:
  - 1) Three years salary differences between a teller and a FSR is \$30,000.00
  - 2) My discharge was based on race discrimination.I will have and have had difficulty getting another job from any other financial institution. Unfortunately, almost all my work history and specialties are with the banks. Starting a new and different career means that I will have to start from the bottom with the lowest paying rate. Also, during the 3 years and 10 months of employment with Compass Bank, the managers denied me any opportunity to advance my career, which did not comply with the bank policy. So, I have wasted 3 years and 10 months with Compass

Bank, Dothan, Main Branch. Therefore, I am entitled to get compensation for this.

3) Physical and mental damages:

Because of constant stress from the job and managers, because of denial on each job bid, because of opportunities were given to less qualified white people, who were new, had no experiences but were fond by managers for training as vault teller (Head teller used by other banks) assistant, because of the many times I was scolded in front of everybody, etc. I have been humiliated and hurt, which caused a chronic ulcer-like stomach pain (see doctor's report) and depression.

I was given Zoloft on September 28, 2005 for depression treatment.

Because of all the above reasons, I an entitled to compensation.

4) Relocation costs

14. None

15.

I own the above property.

16. I've provided my degrees. Look at the education/degrees of those hired or promoted over me; these are the documents.

18. A) Financial Service Representative

B) 10/30/2002; 06/03/2003; 11/03/2003

C) Nov. 6, 2002; 06/10/2003; 11/13/2003

D) Jennifer; Leslie Webb; Holly Brownell

F) Regina Mc Neil as well Jerri Carothers (for her opinion)

19. First Med of Dothan


1245 Westgate Parkway

Dothan, AL 36303

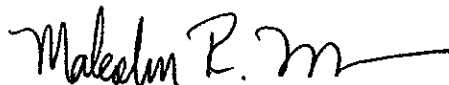
Gastroenterology Assoc. of Dothan  
480 Honeysuckle Road  
Dothan, AL 36303

Family Health Clinic  
545 West Main Street  
Dothan, AL 36301

Southern Bone and Joint Specialist PC  
1500 Ross Clark Cir.  
Dothan, AL 36301

  
Shirley Lee

Malcolm R. Newman, Attorney, P.C.


  
Malcolm R. Newman (NEW017)  
Attorney for Plaintiff  
P.O. Box 6137  
Dothan, Alabama 36302  
(334) 792-2132  
ASB-2826-M39M

**CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing upon:

Douglas B. Kauffman, Esq.  
Brent T. Cobb, Esq.  
Balch & Bingham, LLP  
P.O. Box 306  
Birmingham, Alabama 35201-0306

by placing a copy of the same in the United States mail, postage prepaid this the 27th day of October, 2005.

  
\_\_\_\_\_  
Malcolm R. Newman



Teller: Shirley Lee

Review Period: 4-30-01 / 4-30-02

### Teller Performance Expectations (Annual)

Employees are expected to consistently meet and occasionally exceed the standards set for this position in a competent and reliable manner. The following is a representation of proficient performance. Teller Standards direct perimeter issues of performance and employment.

**#1 Shorts/Overs:** Teller cash drawers are expected to be in balance at all times. Proficient status assigns an out of balance cumulative appraisal period tolerance of \$10.00 per day worked.

**#2 Other Losses:** Tellers are expected to adhere to deposit acceptance and check cashing policies in accordance with guidelines assigned to the individual teller. Responsibilities include, but are not limited to, a review of deposited items, the checking of endorsements, signature verification and balance availability. Losses are charged to the teller only when policies are not followed. Proficient status assigns a cumulative appraisal period loss tolerance of \$10.00 per day worked.

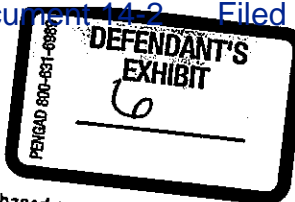
**#3 Customer Service:** Tellers are the window through which most of our organization is viewed. As such, tellers are expected to project a positive, competent and pleasant manner that has at its base, courtesy and respect for our customers. Customer interaction is to be non-confutational, with problematic issues referred to immediate supervisors for resolution.

**#4 Referrals:** The sale of products and services is paramount to the success of the bank with front line recognition of customer needs at its core. Teller interaction with customers is to be sufficient enough to produce at least 3 referral per day worked. A referral is defined as a customer with a need, an interest and the ability to purchase the product for which they are referred.

**#5 Other:** Individual tellers are given specific duties to perform. The way they complete their tasks can have either a positive or negative effect on the branch as a whole. Assigned duties are expected to be completed accurately and in a timely fashion. Flexibility and cooperation with management are required elements as is arriving on time on days worked. A positive disposition, a sense of urgency and a professional demeanor are essential elements of the position.

Shirley Lee 6/4/01  
Teller/Date

Jenni Cardenas 5-16-01  
Supervisor/Date



## DELEGATED AUTHORITIES - Teller

Effective 11-28-01 the following authority is delegated to you based on your demonstrated proficiency. Use good judgement; these limits do not determine whether a loss is charged as policy or non-policy. If sufficient authorities are not available at officer level for a given transaction, verbal approval must be obtained from the next management level or the responsible account officer.

Total Cash Drawer Limit: \$ <u>7000<sup>00</sup></u>	Exception Cash Limit: \$	Maximum Top Drawer Limit: \$ <u>4000<sup>00</sup></u>	Traveler's Cheque Limit: \$
---	-----------------------------	--	--------------------------------

## Tier 8

	Deposits	Non-Deposits	Traveler's Cheques
CASH PAID ON-US ITEMS	Maker & Payee are the Same		
	Two-Party Personal Checks	\$1,000	N/A
	Two-Party Business Checks	\$1,000	\$500
	Cashier's Checks	\$1,000	N/A
	Savings Withdrawals	\$1,000	N/A
CASH PAID TRANSIT CHECKS	Other Banks' Two-Party Checks	\$1,000	\$1,000
	Other Banks' Cashier's Checks	N/A	N/A
	Government Checks	N/A	N/A
	Savings Bonds	\$1,000	N/A
	Traveler's Cheques	\$1,000	N/A
	Cash Advances	\$1,000	N/A
	Deposit Acceptance	\$3,000	\$1,000
MISCELLANEOUS	Funds/Wire Transfers	\$1,000	N/A
	Exception Wires	\$5,000	N/A
	Paying Through Uncollected	\$0	N/A
	Fee Reversals/Waivers	\$1,000	N/A
	Telephone Transfers (if applicable)		N/A
	Interbranch Transactions (IOT/IBT)	\$1,000	N/A
	Operating Loss Approved	\$1,000	N/A
	Operational Overdraft	\$500	N/A
	Paying Through Holds	\$500	N/A
	TeleCheck Override	\$500	N/A
	Other General Ledger	No	N/A
	Cashier's Check Signing Authority	\$50	N/A
		\$5,000	N/A
		N/A	N/A
		N/A	N/A

By signing this Delegated Authorities form, I agree to perform only those authorized transactions which are necessary to do my job and which are within the limits established for bank authorized official duties. I acknowledge that all activities performed by me are traceable to me and they are monitored. I understand my stated authorities as detailed on the front of this form and that they supersede all previous authorities.

Officer's Name (printed): <u>Hickey Lee</u>		Manager's Name (printed): <u>Jessie Carothers</u>	
Officer's Title: <u>41 Time Teller</u>		Manager's Title: <u>CSM</u>	
Officer's Signature: <u>[Signature]</u>		Manager's Signature: <u>[Signature]</u>	
Officer's Social Security #: <u>                    </u>		Date: <u>11/28/01</u>	

Redacted

Compass/Lee  
004



SEP-13-2002 FRI 05:13 PM CC SS BANK

DEFENDANT'S  
EXHIBIT

8

## BID APPLICATION



Compass Bank

To Be Completed by Human Resources

Date Received

Regulation Number

9/18/02

7/18/02

43099-

## To Be Completed By Employee

Name <b>Shirley Lee</b>	Social Security Number		Extension <b>7022</b>
Current Position P/T <input type="checkbox"/> F/T <input checked="" type="checkbox"/>	Date of Hire <b>04/30/01</b>	Date Current Position <b>teller</b>	Present Department <b>Retail Dept.</b>
Position Desired P/T <input type="checkbox"/> F/T <input checked="" type="checkbox"/>	Job Posting Number <b>F. S. R.</b>		Department <b>Retail</b>
Home Phone # or Contact # (for those who work evenings)			

Please State Your Qualifications for the Position You Are Seeking (Resume could be added as an option if employee has one)

**4 years' experience of Retail banking (most from 1 year w/ Compass Bank)**  
**Good written or oral communication skills, and P.C. skills**  
**Banker's duties on business / honest, persistent, etc.**

Employee Signature **Shirley Lee** Date **9/18/02**

## To Be Completed by Employee's Supervisor

Date of Last Performance Appraisal <b>4-16-02</b>	Rating <b>P</b>	Date of Prior Performance Appraisal	Rating
Is this employee in good standing or performing in a proficient manner at present?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Is this employee's attendance record satisfactory?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Comments <b>4 occurrences</b>	
Does this applicant meet at least the minimum qualifications for the posted job?			
Yes <input type="checkbox"/> No <input type="checkbox"/> HR Should Determine <input checked="" type="checkbox"/>			
Are there any job related reasons why this employee should be placed in the position for which he/she has applied?			
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Comments <b>Referral good</b>			
Are there any job related reasons why this employee should not be placed in the position for which he/she has applied?			
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Comments			
Supervisor Signature <b>James Canahan</b>	Extension <b>7009</b>	Date <b>9-18-02</b>	

## Print below

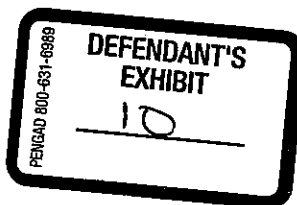
To Be Completed By Human Resources	Job Code	Promo Inc \$	%10.00%
If not placed in the position, state reason	Effective Date	Merit Inc \$	%10.00%
	Dept No.	TOTAL INC	%10.00%
	Next Perf Date	Site Code	Grade
		New Salary	
Name of Employee Selected (if another employee is selected)			Print & Save
Start Date	Other Comment		
Human Resources Signature	Date		

Redacted



P.O. Box 2006  
Dothan, Alabama 36302  
334 712-7030  
www.compassweb.com

To: Shirley Lee  
From: Jerri Carothers  
Date: November 5, 2002



Re: Attendance – Written Warning

Shirley, we have discussed your overall attendance performance and the importance of you being at work and on time during your scheduled time periods. On September 19, 2002 you were placed on Verbal Counseling for your attendance. Unfortunately, since this counseling, you have been absent on October 15<sup>th</sup> and 16<sup>th</sup>. Under the Attendance Policy, you are being placed on the Written Warning stage of discipline.

A review of your attendance reveals the following absence occurrences:

Occurrences: Absence

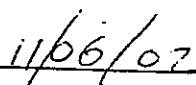
- No. 1: December 5, 2001
- No. 2: April 8, 2002
- No. 3: May 28, 2002
- No. 4: September 9, 2002
- No. 5: October 15, 2002 (half day) & October 16, 2002

Shirley, you must immediately improve your attendance. It is only due to management not addressing this sooner in writing that you are not being placed on Probation. Under our Attendance Policy, you currently have enough absences to be on Probation.

I am here to support you anyway I can, but ultimately it is your responsibility to maintain an acceptable level of attendance. Further absences or tardies within the next 12 months will result in further disciplinary action, including immediate termination of your employment with Compass Bank.

Please sign below acknowledging receipt of this memorandum:

  
Associate's Signature

  
Date

CC: Human Resources

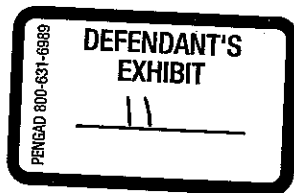
Compass/Lee  
018

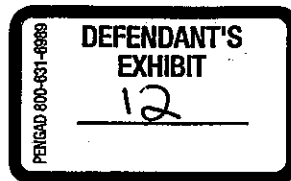
9-17-02

Ms. Willie Lee Pittman came into the bank and had a complaint on Shirley Lee. Ms. Pittman had come thru drive in on Monday afternoon about 4:30. Shirley asked her if she had an account here and she said no. Shirley told her there would be a \$3 fee. Ms. Pittman said OK because she did not have time to go to her bank. Ms. Pittman said that Shirley waited on about 5 cars after informing her of the \$3 fee before cashing the check for Ms. Pittman. Ms. Pittman felt that it was because she was black and was not dressed very well at the time.

I thanked Ms. Pittman for making me aware of the situation and assured her that I did not think Shirley intended to make her feel that way. I addressed the situation with Shirley. on 9-19-02.

*Regno*





**Compass Bank**

**BID APPLICATION**

To Be Completed by Human Resources

Date Received <b>1-17-03</b>	Requisition Number <b>44360</b>
---------------------------------	------------------------------------

To Be Completed By Employee

Name <b>Shirley Lee</b>	Social Security Number <b>3022</b>	
Current Position <b>Teller</b>	Date of Hire <b>4-30-01</b>	Date Current Position <b>4-30-01</b>
Position Desired <b>Financial Service Representative</b>	Present Department <b>Retail / Teller</b>	
Home Phone # or Contact # (for those who work evenings)	Job Posting Number <b>44360</b>	Department <b>Retail</b>

Please State Your Qualifications for the Position You Are Seeking (Resume could be added as an option if employee has one)

I am a hard worker and I am self motivated. I have experience in dealing with the Compass Accounts being a teller, and I have a relationship with many of the customers. I also have a Bachelor's Degree in Business Administration.

Employee Signature **Shirley Lee** Date **1-17-03**

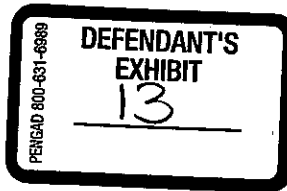
To Be Completed by Employee's Supervisor

Date of Last Performance Appraisal <b>4-30-01</b>	Rating <b>Proficient</b>	Date of Prior Performance Appraisal <b>N/A</b>	Rating <b>-</b>
Is this employee in good standing or performing in a proficient manner at present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
Is this employee's attendance record satisfactory? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Comments <b>Wf. Hen working</b>			
Does this applicant meet at least the minimum qualifications for the posted job? Yes <input type="checkbox"/> No <input type="checkbox"/> HR Should Determine <input checked="" type="checkbox"/>			
Are there any job related reasons why this employee should be placed in the position for which he/she has applied? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments			
Are there any job related reasons why this employee should not be placed in the position for which he/she has applied? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments			
Supervisor Signature <b>Jenni Carothers</b>		Extension <b>7029</b>	Date <b>1-17-03</b>

Print below

To Be Completed By Human Resources	Job Code	Promo Inc \$	%0.00%
If not placed in the position, state reason	Effective Date	Merit Inc \$	%0.00%
	Dept No.	TOTAL INC	%0.00%
	Next Perf Date	Site Code	Grade
		New Salary	
Name of Employee Selected (if another employee is selected)			Print & Save
Start Date	Other Comment		
Human Resources Signature	Date		

Redacted



# Memo

**To:** Shirley Lee  
**From:** Jerri Carothers  
**CC:** Regina McNeil  
**Date:** 01/27/03  
**Re:** Customer Service Complaint

---

This memo is to go over the customer service complaint that Sybille received from Bernard Petit.

Mr. Petit was upset that he had to wait to long in the drive in. He said that when he complained about the wait being to long that you told him that he could go inside if he didn't want to wait. He said that he told you that going inside was not possible since there was a car in front of him and one behind him. Mr. Petit feels that customer service has declined at both branches over the last few months. I know that we have been short at times but it is important that we acknowledge our customer's frustrations and try to always be pleasant.

It is not a matter whether we are short or not, I am always busy on Thursday and I always work alone on Thurs. I am always pleasant to Customers, even though they are not friendly sometimes. In this particular case, I did not recall I said something like that to him (Mr. Petit), actually. I never have said that to anybody in terms of awaiting, Someone (He) might be misunderstand me, he made up the story because he either dislikes me or a racist. I'd like to talk to him personally to find out

• Page 1

Compass/Lee  
021

why he was offended if I could. (allowed)

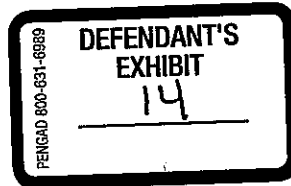
Besides these, I don't know managers are aware of this or not, I hear compliments from customers everyday, they appreciate my friendly & fast service, but I don't rule out the possibilities that few people don't like the way I work or dislike me period. I am still learning and keep improving myself, always.

Sincerely,

Shirley Lee



Compass Bank  
P. O. Box 2006  
Dothan, Alabama 36302  
334-712-7000



TO: Shirley Lee

FROM: Jerri Carothers

DATE: January 27, 2003

SUBJ: Attendance – Probationary Warning

Shirley, on November 5, 2002, we discussed your overall attendance performance and the importance of you being at work and on time during your scheduled time periods. You were advised on that date of your status under the Attendance Policy, which was a documented Written Counseling. Since that time you have been absent from work on January 23, 2003. Under the Attendance Policy, you are in the Probationary Warning stage of discipline.

A review of your attendance reveals the following absence or late to work occurrences:

Occurrences: Absence

No. 1: April 8 2002  
No. 2 May 28 2002  
No.3 September 9, 2002  
No. 4 October 15 2002 (half day) & Oct 16, 2002  
No. 5 January 23 2003

Occurrences: Tardies

No.1 January 21 2003 (20 minutes late)

Shirley, you must immediately improve your attendance. I am here to support you anyway I can, but ultimately it is your responsibility to maintain an acceptable level of attendance. Further absences or tardies within the next rolling 12 months will result in further counseling and disciplinary action, up to and including immediate termination of your employment with Compass Bank.

Please sign below acknowledging receipt of this memorandum:

A handwritten signature of Shirley Lee in black ink, written over a horizontal line.

Shirley Lee

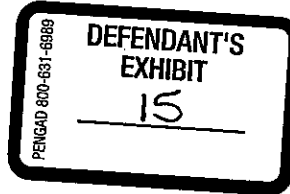
Date 1/27/03

CC: Human Resources



P.O. Box 2006  
Dothan, Alabama 36302  
334 712-7030  
www.compassweb.com

TO: Shirley Lee  
FROM: Jerri Carothers  
DATE: July 21, 2003



SUBJ: Attendance – Written Counseling

Shirley, on January 27 2003, we discussed your overall attendance performance and the importance of you being at work and on time during your scheduled time periods. In addition, you were advised on April 8 2003, of your status under the Attendance Policy, which was a documented Verbal Warning. Since that time you have been absent from work on June 9, 2003. Under the Attendance Policy, you are in the Written Counseling stage of discipline.

A review of your attendance reveals the following absence or late to work occurrences:


Occurrences: Absence


No. 1 September 9 2002  
No.2 October 15 2002 (half day) & October 16 2002  
No. 3 January 23 2003  
No. 4: June 9 2003

Occurrences: Tardies

Shirley, you must immediately improve your attendance. I am here to support you anyway I can, but ultimately it is your responsibility to maintain an acceptable level of attendance. Further absences or tardies within the next rolling 12 months will result in further counseling and disciplinary action, up to and including termination of your employment with Compass Bank.

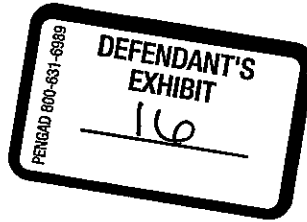
Please sign below acknowledging receipt of this memorandum:

  
Shirley Lee

  
Date

cc: Human Resources





Compass Bank  
P. O. Box 2006  
Dorant, Alabama 36302  
204-712-7000

To: Shirley Lee  
From: Jerri Carothers  
Date: 11-19-03  
Re: Attendance – Written Counseling

Shirley, as you know acceptable attendance and punctuality are key to our providing quality customer service. On 10/15/03, we discussed your overall attendance performance and the importance of you being at work and on time during your scheduled time periods. You were advised on that date of your status under the Attendance Policy, which was a Verbal Warning. Since that time you have been absent from work on 10-27, and 10-28, 2003. Under the Attendance Policy, you are in the Written Counseling stage of discipline.


A review of your attendance reveals the following absence or late to work occurrences:

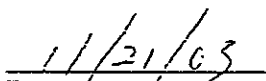
Occurrences: Absence

No. 1: 1-23-03  
No. 2: 6-9-03  
No. 3: 10-14-03  
No. 4: 10-27,10-28

Shirley, you must immediately improve your attendance. I am here to support you anyway I can, but ultimately it is your responsibility to maintain an acceptable level of attendance. Further absences or tardies within the next 12 months will result in further counseling and disciplinary action, including termination of your employment with Compass Bank.

Please sign below acknowledging receipt of this memorandum:

  
Shirley Lee

  
Date

cc: Human Resources

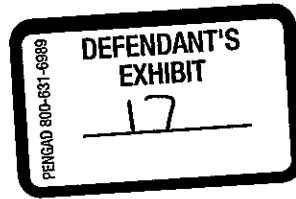


Compass Bank  
P.O. Box 2006  
Dothan, Alabama 36302  
334-712-7030

To: Shirley Lee

From: Jerri Carothers

Date: February 24, 2004



Re: Attendance – Written Counseling

Shirley, as you know acceptable attendance and punctuality are key to our providing quality customer service. On 11-19-03, we discussed your overall attendance performance and the importance of you being at work and on time during your scheduled time periods. You were advised on that date of your status under the Attendance Policy, which was a Written Warning. Since that time you have had one occurrence roll off on Jan 23 but have since been absent on February 16 and February 17 2004. Under the Attendance Policy, you are still in the Written Counseling stage of discipline.

A review of your attendance reveals the following absence or late to work occurrences:

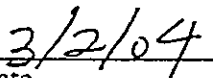
Occurrences: Absence

- No. 1: 6-9-03
- No. 2: 10-14-03
- No. 3: 10-27-03, 10-28-03
- No.4: 2-16-04, 2-17-04

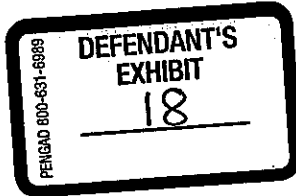
Shirley, you must immediately improve your attendance. I am here to support you anyway I can, but ultimately it is your responsibility to maintain an acceptable level of attendance. Further absences or tardies within the next 12 months will result in further counseling and disciplinary action, including termination of your employment with Compass Bank.

I have read and understand the above.

  
\_\_\_\_\_  
Employee Signature

  
\_\_\_\_\_  
Date

cc: Human Resources



Teller:

Review Period:

## Teller Performance Expectations

**#1 Sales Referrals:** The sale of products and services is paramount to the success of the bank with front line recognition of customer needs at its core. Your interaction with customers is to be sufficient enough to produce at least three referrals per day. This level of production is considered proficient. A referral is defined as a customer with a need, an interest and the ability to purchase the product for which they are referred.

**#2 Shorts/Overs:** Your cash drawer is expected to be in balance at all times. Proficient status assigns a period tolerance of up to \$1.00 per day X 22 days worked. Proficient status also designates the number of occurrences during this same period at six.

**#3 Other Losses:** You are expected to adhere to deposit acceptance and check cashing policies in accordance with guidelines assigned to you. Responsibilities include but are not limited to a review of deposited items, checking endorsements, signature verification and balance availability. Losses are charged to you only when policies are not followed. Proficient status assigns a period tolerance of up to \$1.50 per day X 22 days worked.

**#4 Document Preparation:** Beyond deposit acceptance and check cashing is the area of internal document preparation. You are expected to become proficient in the issuance of Official Checks & Money Orders and accurate in the completion of items such as TT & Ls, CTRs, MILs, bankcard payments, etc. PODs reflect errors in Proof work and are expected to be minimal as are Audit Exceptions. Proficient status permits not more than two occurrences per month.

**#5 Customer Service:** You are the window through which most of our organization is viewed. As such, you are expected to project a positive, competent and pleasant manner that has as its base, courtesy and respect for our customers. Customer interaction is to be non-confrontational, with problematic issues referred to immediate supervisors for resolution. Shopper scores are viewed as a direct reflection of the quality of work produced and are expected to be at least at the average set by the company in order to be proficient.

**#6 Other:** You will be given specific duties to perform. The way you complete the tasks can have either a positive or negative effect on the banking center as a whole. Assigned duties are expected to be completed accurately and in a timely fashion. Flexibility and cooperation with management are required elements as is arriving on time on days worked. A positive disposition, a sense of urgency and a professional demeanor are essential elements of performing your job in a proficient manner and your display of the Compass Way Principles will be considered as part of your customer service skills and the average of both the shop score and your supervisor evaluation will be calculated

Shif Lee  
Teller/Date

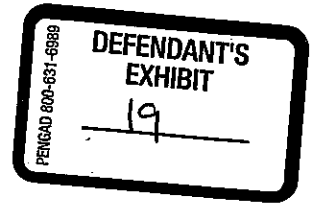
Jani Canthess 4-13-04  
Customer Service Manager / Date

Revised 11/01/02



**Compass Bank**

### MINI-PROOF CHECKLIST



- ☐ "T" notation complete on deposit slip / check
- ☐ Cash in and cash out validated (on the correct ticket)
- ☐ Review for Delegated Authority Limits
- ☐ Verify counter slips
  - Full name is complete and legible
  - Address is listed and legible
  - Account number is legible
  - Notations are completed
  - Account number is validated on the deposit slip
- ☐ Fees collected for consignment items and non-customer check cashing
- ☐ Verify non-customer checks have thumbprints
- ☐ Identify red flags
- ☐ All credit card/safe box/cash advances are separated from regular work
- ☐ Collection items sent to Houston
- ☐ No cash in work
- ☐ Credits before debits
- ☐ Verify proper endorsement and negotiability of items
- ☐ Transaction is in balance
- ☐ Recourse account number used
- ☐ Transactions facing same direction
- ☐ No staples, rubber bands, or paper clips
- ☐ Verify completion of CTR/MIL

***Each teller's work should be reviewed once a week at minimum. When reviewing work, account numbers on counter deposit slips should be verified on C-NET on a random basis.***



## 7 Teller Strategic Questions

**A - Authority?**

**M- Memo Hold?**

**E- Endorsement?**

**R- Recourse?**

**I- Identification?**

**C- Cash Item?**

**N- Negotiable?**

# Check Notations

Jane Customer  
123 Any Road  
Anytown, Anystate 99999

SM / Open Date ID (Type#/Date)

1111

Date \_\_\_\_\_

(Init.) Curr. Bal. IMTL

Pay to the  
Order of \_\_\_\_\_

\$ \_\_\_\_\_

Dollars

**Bank of Anywhere**

For \_\_\_\_\_

SC

MP

|: 123456789 |: 0123456789 || 1111

SC - denotes that you have verified signatures on the Signature Card System

SM - denotes that the system has been checked for messages (stops / pays / holds / comments / monetary activity)

Open Date - Open date of the account as shown on IMI

(Init.) - denotes that the identification presented has been verified, enter the type of identification, the id number and the expiration date

Curr. Bal - the current AVAILABLE balance from the system

IMTL - denotes that you have placed a hold on the system

**Key:**

# Deposit Notations

DEPOSIT TICKET		SM / Open Date ID (Type/#/Date)		CASH		
		(Init.)	Avg Coll	NSF's		
Jane Customer						
123 Any Road						
Anytown, Anystate 99999						
Date						
DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL						
SIGN HERE IF CASH RECEIVED FROM DEPOSIT						
SC						
T/C 04						
NET DEPOSIT						
\$						
NET TOTAL						
LESS CASH						

**Bank of Anywhere**

**|: 123456789 |: 0123456789 |:**

SC - denotes that you have verified signatures on the Signature Card System.

SM - denotes that the system has been checked for messages (stops / pays / holds / comments / monetary activity)

Open Date - Open date of the account as shown on IM1. (Used to determine need for Reg CC Hold.)

(Init.) - space for the initials of the individual approving the transaction, based on delegated authorities.

Avg Coll. - the average collected balance from the system (IMI1 or IMI2.) (Used to determine need for Reg CC Hold.)

NSF's - indicates whether customer is currently overdrawn or has a history of NSF activity. (Used to determine need for Reg CC Hold.)

T/C 04 - indicates a Reg CC Hold has been placed on this deposit.



Don't "LACK" inspecting  
the details on these  
types of SCAMS!!

**L- Less Cash Scam**

**A- Altered Check Scam**

**C- Customer Impersonation**

**K- Kiting**





## The 7 Strategic Teller Questions To "Loss Prevention"

Review these seven questions prior to conducting each and every transaction.

1. Is this a negotiable item?

- Does the item meet the "5" points of negotiability?
  - Date -- not future or stale dated
  - Payee -- name and words of negotiability
  - Amount -- in numbers and words
  - Drawee Bank -- the bank name, address & logo
  - Drawer -- the maker's signature
- Payable upon demand (not future or stale dated)
- Words of negotiability must say, "Pay to the Order Of."  
(For "Payable At" or "Payable Through" see you CSM -- Do not negotiate)
- Must be payable in US funds only
- Must have a valid routing/transit number (TQG, reference tab, page 10)
- Will have no documents attached

2. Is this a cash item?

3. Does the bank have recourse?

- All deposited and cashed items:
  - Is this a Compass Bank customer and an authorized signer (RMLP and RMRB)?
  - Obtain proper identification
  - Check payable to a business must be deposited. They cannot be cashed.
- On-Us cashed checks
  - Are there enough funds in the account (IMI1)?
  - Are there stops or holds on the check (IMI5)?
- Transit cashed checks
  - Is this a Compass Bank customer (RMLP or IMI1)?
  - Does the Compass customer have at least half the amount of the check (IMI1)?
  - Is the account in good standing (RMAB/ "alerts," IMI1/ "MSGs", SMIM, IMIO)?
- Counter items
  - Obtain proper identification
  - If cash back, verify customer signature on Signatrive and note slip with "SC"
- Deposit items
  - Review Reg CC job aid

7 Strategic Questions, Job Aid

Compass Bank  
October, 2003

4. Is the item properly endorsed?

- Was the item endorsed by all payees in front of the teller?
- If it is a counter item and/or over \$500, was Signatrive checked?
- Did you match the endorsement with the customer's identification?
- Obtain CSM approval for all endorsements except Blank and Restrictive (see Endorsement job aid)
- No third party checks are acceptable without CSM approval.

5. Is identification required?

- When you don't know the customer
- Cashed checks
- Deposits with cash back
- All counter items
- Obtain thumbprint on all non-customers cashing an on-us check over \$100

6. Do I need to place an IMTL  
Memo hold or Reg CC hold?

- IMTL
  - Place on all on-us cashed checks, for the entire amount
  - Place on all transit cashed checks, for \$1.00 (TQG, Help Tab, and Pg. 13)
- Reg CC, Deposit Item Hold Form
  - Completed on all deposits on "new accounts" 30 days old or less.
  - Other hold reasons: see Reg CC job aid for other "Exception" and "Case-by-Case" hold reasons.

7. Is this within my Check-cashing  
Limit?

- My check cashing limit is: \$ \_\_\_\_\_
- My deposit limit is: \$ \_\_\_\_\_
- My cash back limit is: \$ \_\_\_\_\_
- My cash advance limit is: \$ \_\_\_\_\_

Don't forget your "T" on **all** transactions!

For additional information, please refer to your Teller Quick Guide, your CSM or Lead Teller, ROSS and/or the BOM.



When checking ID...always  
remember to say PLEASE!

**P- Photo?**

**L- Lamination?**

**E- Expiration?**

**A- Age?**

**S- Signature?**

**E- Erasures?**



ELLA IOYCE HAMILTON

83-1511/070  
1000004258

1106

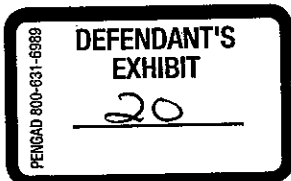
DATE 11-18-04

PAY TO THE ORDER OF Cheryl Alkema \$ 1500.00

One thousand five hundred DOLLARS

FLORIDA  
GULF  
BANK

MEMO loan 7288300 3221122042134 Ella Joyce Hamilton



NOV 22 2004

Compass Bank  
Birmingham, AL  
11/22/04

Cheryl Alkema

Jennifer  
Sickler  
St Augustine

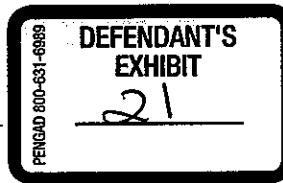
Talked to Shirley, she really didn't remember anything  
no explanation about T-bar. Said she didn't think she  
had to as it was for our customer

Redacted

[illegible]

1. Caroline

Redacted



P.O. Box 2006  
Dothan, Alabama 36302  
334-712-7030

TO: Shirley Lee  
FROM: Regina McNeil/Jerri Carothers  
DATE: January 28, 2005  
SUBJ: Performance- Failure to follow Teller Standards/ Delegated Authority (check cashing limits)

Customers place their trust in our abilities and we must honor that trust by working responsibly and conscientiously. A Compass Bank teller must avoid actions that subject the Bank and its customers to losses.

On September 30, 2004 you cashed a non-Compass check in the amount of \$1500.00 for customer Julie M. Brannon. On November 22, 2004 you cashed a non-Compass check in the amount of \$1500.00 for Cheryl Alleman. These checks were drawn on accounts in Florida. You failed to obtain customer identification, thumb print, signature was not verified on system and no T bar with required information or customers account number referenced on the check. In addition, you did not receive supervisor's approval and the check was over your delegated authority.

This check was part of several fraudulent checks written against Mrs. Brannon's and Mrs. Alleman's account. Due to the fact policy was not followed when checks were presented for payment, Compass Bank and our office has taken the loss of \$3000.00.

In accordance with the Teller Standards you signed on 4/13/04 and delegated authority signed on 11/28/01, the failure to adhere to your checking cashing limit and bank policy and procedures requires us to terminate our employment relationship with you. You may resign if you choose, if not, your employment will be terminated effective immediately.

We wish you the best in your future endeavors. Human Resources will forward to your home address, the benefits termination information. If you have any questions, you may call them at 251-470-7327.

Please sign below acknowledging receipt of this memorandum:

Shirley Lee

Date 1/28/05

cc: Human Resources/Personnel File

Compass/Lee  
073

Shirley Z. Lee



Tel:

E-mail:

Feb. 01, 2005

Bynum Rogers  
Human Resources Director at Southeast Alabama District  
Compass Bank  
P.O.Box 295  
Montgomery, AL 36101

Dear Bynum:

I am writing to you to let you know what happened at the Compass Bank Dothan Main and I am sincerely hope that things can change before they go any further.

To me, the Compass way should be a kind way, unique, proud way, not the ugly way I have experienced. On Jan 28, 2005, I was sick from a bad cold; however, considering a busy day and also Friday, I came to work. Soon after I balanced the drawer and put works away (It was ten after 6:00 pm), Jerri Carothers (Customer service manager) and Regina McNeil (Brach Manager at Dothan Main) called me in to sign a letter, which terminated my employment with Compass Bank because of outage that I had in 2004.

I started to work at Compass Bank April 1 2001, and I have won Compass Bank Gold Club Award every quarter for the past three years. This is the first time and the only time that I have caused a loss for Compass Bank, although it was two incidents. Unfortunately both incidents were brought to me at the same time and on the same day (Dec. 30, 2004). Then, on Jan. 28, 2005, they showed me the letter and forced me to sign it even though the content was not honest as it should be. For example, they said that I failed to ask the customers to do the thumbprint, but, according to the bank regulations, the compass customers are not required to do so. They have never clearly indicated how much my check-cash limit was. I have asked Jerri carothers once in early 2004, she said she was going to look it up for me, but she did not tell me until Jan. 24, 2005. I had always thought it was \$3000.00!

If in fact I did not follow the complete procedure to cash the checks, the managers did not follow the correct procedures to terminate an employee either ( it was a busy day, so I forgot to write down the T-bar on the check that I cashed). Prior to that, they did not give me any kind of warning or probation in writing. Furthermore, Jerri Carothers (customer service manager) did not handle the matter properly.

On Dec. 30, 2004, she walked to my teller window and told me about the loss and criticized me in front of every teller with two customers present. I believe it was a very

Redacted



serious matter, which should have been discussed privately or behind the door. Later on, when I told her that, she replied, "Well, we don't have a whole lot of places to go" which is not right, because we have a private conference room here. Also we have break room, copier room and private lady's room. Jerri Carothers treated Jerilyn Harris the similar way in early September last year. Jerilyn was a very good teller, but she had to quit her job with Compass Bank because she was accused wrongly and unfairly. Why? The managers do not like the black people, Asian or other minorities. They treat us differently, without any respect and mercy. In September last year, my life was turned upside down; I had to file a restraining order against my husband. Both managers were aware of that, but none of them had ever showed her concerns to me or offered any help. I knew I needed a couple of days off, but the bank was short-staffed as a result of the extremely high turn over rate, so I did not miss any day at work. I deeply regret that now because it might be one of the reasons for the mistake I made - I couldn't concentrate on my job because of the stress from home and from the working place!

The matter mentioned above is not the only time managers handle things improperly and unprofessionally. Another example was about my vacation day in November last year. I was scheduled to be off on Nov 26, the day after thanksgiving. It was very important because all the daycare was closed that day. I did not have any family members here who could watch my son and it was a difficult day to find a babysitter, because everybody who did not work wanted to go shopping. Jerri Carothers came to me a few days before Thanksgiving and told me that she cancelled my vacation. Because Adrienne quit the job, and we were short-handed. She had to cancel hers on that day too. I told her it was fine, because the job was important. The fact was she took that day off without mentioning any word to me. I did not mind and it was not my business when she took her vacation. My complaint is she lied to me, and did not show any appreciation for my working that day. She never apologized to me for the inconvenience and expense it caused me either.

The last matter, also the most important matter that I want to report is that I feel I have been racially discriminated against and received the personal retaliation from the managers at Compass Bank Dothan Main. I wanted the position of FSR before I started the teller position. Brenda, who was former Human Resources Director, told me that they did not have any opening then. So I took the teller job anyway because lots of my friends have accounts with Compass Bank. From year 2002 to year 2004, the same FSR position has been opened four times. I applied the first time, it was turned down, second time was turned down, and the third time was turned down. Regina McNeil told me that she had had a trained person transferred to the position. She would put me into consideration when the position opened again. It did, when Holly Brownnell quit her job. However, she never mentioned it to me and intentionally ignored it, because she does not like me, because I am a Chinese-American and also because I do not agree with her on some issues. Compared to the person she hired, I have more qualifications. I have more than seven years banking experience; I have a bachelor's degree in international business and a Master's degree in business administration earned from Troy State University in Troy (the new FSR does not have any college degree). I am hard working, self-motivated and